

EXHIBIT 1

Kim Goodling

From: Kim Goodling [kgoodling@steelesturm.com]
Sent: Wednesday, November 21, 2007 1:27 PM
To: moberti@seyfarth.com; 'Clifford, Dennis'
Cc: 'Howard Steele'; 'Charles'; 'Kim Goodling'
Subject: Prater
Attachments: Notice.2.doc

Counsel,

Pursuant to the judge's order granting our motion for certification, we have drafted a revised notice per her modifications. We have provided limiting language for the class members and location of the class members. This type of language has been approved by Texas courts. *See Kaluom v. Stolt Offshore*, 474 F.Supp.2d 866 (S.D. Tex. 2007); *Clarke v. Convergys Customer Management Group, Inc.*, 370 F.Supp.2d 601 (S.D. Tex.2005); *Ryan v. Staff Care, Inc.*, 497 F.Supp.2d 820 (N.D. Tex. 2007); *Vogt v. TI, Inc.*, 2006 WL 4660134 (N.D. Tex. Sept. 19, 2006).

If you have any comments, please let us know.

Kim

Kim Goodling
Steele Sturm, PLLC
Wells Fargo Plaza
1000 Louisiana, Suite 3780
Houston, Texas 77002
(O) 713 659-2600
(F) 713 659-2601
kgoodling@steelesturm.com
www.steelesturm.com

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11/28/2007

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JASMINE PRATER, CHRISTINA
STROYICK, ANGELICA MURILLO, ON
BEHALF OF THEMSELVES AND OTHERS
SIMILARLY SITUATED,

Plaintiffs

V.

COMMERCE EQUITIES MANAGEMENT
COMPANY, INC., COMMERCE EQUITIES,
INC., COMMERCE EQUITIES – SETTLER’S
RANCH LTD., BAYOU ON THE BEND
HOLDINGS, LTD., MID RISE BUILDERS,
LLC and MATTHEW G. DILICK,

Defendants.

CIVIL ACTION NO: 07-CV-2349

JURY

COLLECTIVE ACTION

NOTICE OF RIGHTS

**THIS NOTICE HAS BEEN AUTHORIZED BY THE HONORABLE LEE
ROSENTHAL, THE JUDGE TO WHOM THE CASE HAS BEEN ASSIGNED.**

- To: All current and former leasing agents at Settler’s Ranch and Bayou on the Bend apartment complexes paid on an hourly or salary basis during the time period of July 18, 2004 to the present; and
- To: All other apartment office employees at Settler’s Ranch and Bayou on the Bend apartment complexes paid on a salary basis, including leasing managers, assistant property directors, property directors, and marketing directors during the time period of July 18, 2004 to the present.
- Re: Fair Labor Standards Act (“FLSA”) lawsuit against Commerce Equities Management Company, Inc., Commerce Equities Inc., Commerce Equities – Settler’s Ranch Ltd., Bayou on the Bend Holdings, Ltd., Mid Rise Builders, LLC and Matthew G. Dilick (collectively “Employers”).

The FLSA prohibits anyone from discriminating or retaliating against you if you choose to take part in this case. This means that your employer cannot discharge or in any other manner discriminate against you because you (1) file any complaint; (2) institute or cause to institute any proceeding; (3) testify or are about to testify in any

such proceeding regarding the payment of overtime wages or retaliation for asserting your rights for overtime wages.

This case was filed by Jasmine Prater, Christina Stroyick and Angelica Murillo, former employees of Commerce Equities Management Company, Inc., Commerce Equities Inc., Commerce Equities – Settler's Ranch Ltd., Bayou on the Bend Holdings, Ltd., Mid Rise Builders, LLC and Matthew G. Dilick (hereinafter collectively "Employers") who allege that they and other employees were denied overtime compensation time for each hour worked in excess of forty while working for Employers and who have been retaliated against by being discouraged, intimidated or harassed into not asserting their overtime rights, not receiving their overtime pay, or from participating in this lawsuit. Plaintiffs claim they are entitled to additional compensation for every hour of overtime they have worked during the time July 18, 2004 to the present. For those unpaid hours worked in excess of forty in a particular work week, Plaintiffs seek this additional compensation at one and one-half their hourly rates, plus an additional equal amount as liquidated damages.

If you are among the persons to whom this notice is addressed and you wish to have your right overtime pay litigated in this case, you should file your consent to be made a party plaintiff with the Clerk of the Court. **You are eligible to participate in this case even if you signed an Agreement stating that you waived or released your claim for unpaid wages.** It is entirely your own decision whether to do so and, if you do elect to become a party plaintiff, whether you prefer to be represented by the present Plaintiffs' attorney¹ or by an attorney of your choosing. If you file a consent through a separate attorney, your Notice of Consent should be under the caption of the case listed above, should contain your name, address, telephone number, date of birth, date of signing and signature, and should state: "I hereby consent to be a party plaintiff in this case."

If you wish Plaintiffs' attorney, Howard L. Steele, Jr., to represent you, you should contact him directly at (713) 659-2600. You will have the opportunity to discuss with him in detail the nature of this case, including the terms by which he may represent you.

As already stated, you are not required to join in this case by filing your consent

¹ Plaintiffs' attorney is:
Howard L. Steele, Jr.
STEELE STURM, P.L.L.C.
Wells Fargo Plaza
1000 Louisiana, Suite 3780
Houston, Texas 77002
(713) 659-2600 (Office)
(713) 659-2601 (Facsimile)
www.steelesturm.com
hsteele@steelesturm.com

or to take any action unless you want to. However, your determination whether to take action should be made promptly. **Unless a Notice of Consent is actually filed with the Court on or before _____, 2007, you will not be permitted to join this case.** A Notice of Consent is enclosed with a self-addressed stamped envelope.

If you do not file a consent form and join in this case, you will not receive any back wages for overtime or other relief from the case if the Plaintiff prevails here. Any such relief would be obtained by you only if you proceeded by bringing an independent action within the time provided by law. **You must file a consent to join this action if you wish to recover unpaid overtime wages from this case.**

If, however, you decide to join this case by filing your consent, you will be bound by the judgment of the Court on all issues of the case, whether it is favorable or unfavorable to you.

This notice is for the sole purpose of determining the identity of those persons who wish to be involved in this case. Although the Court has authorized the sending of this notice, there is no assurance at this time that the Court will grant any relief in this case.

Jasmine Prater, Christina Stroyick and Angelica Murillo, Plaintiffs

By: Howard L. Steele, Jr.
Attorney-in-Charge for Plaintiffs

Y.

COMMERCE EQUITIES MANAGEMENT
COMPANY, INC., COMMERCE EQUITIES,
INC., COMMERCE EQUITIES – SETTLER’S
RANCH LTD., BAYOU ON THE BEND
HOLDINGS, LTD., MID RISE BUILDERS,
LLC and MATTHEW G. DILICK.

CIVIL ACTION NO: 07-CV-2349

JURY

COLLECTIVE ACTION

Pursuant to Section 16(b) of the Fair Labor Standards Act, I hereby consent to be a party plaintiff in a collective action brought in the United States District Court for the Southern District of Texas entitled *Jasmine Prater, Christina Stroyick and Angelica Murillo v. Commerce Equities Management Co., Inc, et. al*, to recover unpaid wages, overtime wages and other sums owing to me and to other, similarly-situated employees under the Fair Labor Standards Act [29 U.S.C. §§ 201-219], and other applicable federal and state laws. I hereby authorize Steele Sturm, PLLC to pursue any claims I may have, including such litigation as may be necessary, and I hereby consent, agree, and option to become a plaintiff herein and to be bound by any settlement of this action of adjudication by the Court.

Date Signed

Signature

Print Name

Address

City

State

Zip

Telephone Number

E-Mail Address

To join the collective action for FLSA claims, you must complete this consent form, sign your name where indicated, and either file it directly with the Court or send it to Plaintiffs' counsel at the following address:

Howard L. Steele, Jr.
STEELE STURM, PLLC
Wells Fargo Plaza
1000 Louisiana, Suite 3780
Houston, Texas 77002
(713) 659-2600
(713) 659-2601 (Facsimile)